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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,405	09/10/2003	Catherine Solich		4635

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Catherine Solich
829 SW 15th Ave.
Cape Coral, FL 33991

EXAMINER

CARTER, MONICA SMITH

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,405

Applicant(s)

SOLICH, CATHERINE

Examiner

Monica S. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: elements "a" and "1a". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: elements "5", "7", "11", "12", "14" and "33" could not be located in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement

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sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clamping mechanism (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: On page 2, element "9" is disclosed as being a backing sheet; however, on page 3, element "9" is disclosed as being the front sheet.

Appropriate correction is required.

Claim Objections

5. Claim 1 is objected to because of the following informalities:

In line 2 "each and sealed" should be replaced with "each other and sealed".

In line 6, "A" should be replace with "a".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, "their edges" lacks proper antecedent basis.

In claim 3, line 2, "the way" lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (5,823,573) in view of Brunner (2,677,376).

Chang discloses a loose-leaf album comprising at least two flexible sheets of see-through plastic material (as seen in figure 1, the lines indicate that the sheets are of a transparent material) being superimposed over each other and sealed together at their edges (the edges around the pockets 1-3 and 7-9), at least two compartments (1-3 and 7-9) being created between the at least two superimposed sheets, a first compartment (7, 8) being open at a top edge and closed by a bottom seal (below pocket 8) substantially at a middle of the two sheets, a second of the two compartments (3) being located at a bottom of the two sheets and having an opening substantially at the middle of the two superimposed sheets and below the bottom seal (as seen in figure 1).

Chang discloses the claimed invention except for a means releasably sealing the opening.

Brunner discloses a pocket for ring binders comprising means (22) for releasably sealing the opening to the pocket. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to

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releasably seal the opening, as taught by Brunner, to provide the compartments with a convenient closure that prevents inserts in the compartments from being prematurely removed.

Regarding claims 2 and 6, Chang, as modified by Brunner, discloses means (11) for fastening the loose-leaf album in a binder.

Regarding claim 4, Chang, as modified by Brunner, discloses four compartments divided into two compartments on a left side (7-9) and two compartments on a right side (1-3), the two compartments on the left side each having means for releasably sealing an entry into the compartments (the means being the zipper fastener as disclosed by Brunner) and the two compartments on the right side being open all the time (as seen in figure 1).

Regarding claim 5, Chang, as modified by Brunner, discloses the claimed organizer in the above rejections to claims 1 and 4.

Regarding claims 7 and 8, Chang, as modified by Brunner, discloses the organizer holder being capable of being a two ring or three ring binder, since the album comprises two apertures (as disclosed in Chang) and three apertures (as disclosed in Brunner). Furthermore, the organizer holder fails to further structurally limit the organizer.

Regarding claim 9, Chang, as modified by Brunner, discloses the organizer holder having a clamping mechanism (as seen in figure 1 of Brunner).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Brunner and further in view of Palmer (2002/0197098).

Chang, as modified by Brunner, discloses the claimed invention except for the first compartment extending all the way to the bottom of the two superimposed sheets to form a large compartment.

Palmer discloses a dvd sleeve comprising two superimposed sheets having a first compartment (22) that extends the entire length of the sheets (as seen in figures 1 and 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide a compartment extending all the way to the bottom of the superimposed sheets, as taught by Palmer, to provide an enlarged storage space for inserting large items in the compartments.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose sleeves to be inserted into ring binders, notebooks, or the like.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (6:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 6, 2004

Monica S. Carter
MONICA S. CARTER
PRIMARY EXAMINER